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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

No. **C14-1024** MJP

BRYEN L VON PRIECE,

Plaintiff,

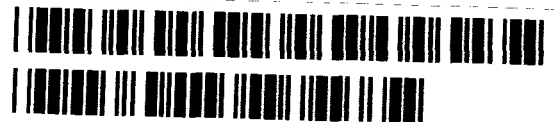
vs.

COMPLAINT FOR DAMAGES FOR  
VIOLATIONS OF CIVIL RIGHTS

THE CITY OF SEATTLE, a Municipal  
Corporation, SEATTLE POLICE OFFICER  
SCOTT ENRIGHT, SEATTLE POLICE  
OFFICER ANGELA M. GORDON, SEATTLE  
POLICE OFFICER SAMUEL BYRD, and  
JANE & JOHN DOES SEATTLE POLICE  
OFFICERS 1-3,

Defendants.

JURY DEMAND



14-CV-01024-CMP

COMES NOW the Plaintiff for a cause of action against the Defendants and alleges as follows:

I.

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 for violations of the Fourth and Fourteenth Amendments to the United States Constitution and various state and common law claims. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1343 *et seq.*

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2. There exists a common nucleus of operative facts as to Plaintiffs' state and federal claims. As a consequence, this Court has pendent jurisdiction over the stated claims pursuant to 28 U.S.C. § 1367.
3. Venue in the captioned District Court pursuant to 28 U.S.C. § 1391 stems from the fact that the acts or omissions giving rise to the claims occurred in the judicial district of the captioned District Court.

## II. PARTIES

4. The Plaintiff, Bryen Von Preece, is a resident of King County, Washington, within the jurisdiction of this court.
5. Defendant CITY OF SEATTLE is a governmental entity with the right to sue and be sued in its own name and stead.
6. The Defendants Seattle Police officers at all times were employed by the City of Seattle and acting within the scope of their employment.

## III. CLAIM FOR DAMAGES

7. A Claim for Damages was properly filed with the defendant CITY OF SEATTLE pursuant to Washington law. More than sixty (60) days have elapsed since the filing of that claim.

## IV. FACTS

8. On December 3, 2012, Seattle Police Officer Samuel Byrd responded to a call alleging violation of a civil restraining order.
9. Officer Byrd interviewed Michelle Mitchell-Brannon who reported the Plaintiff pulled into her driveway and put her under surveillance in violation of the order.

1 10. Officer Byrd then interviewed the Plaintiff who reported that he did not drive into Ms.  
2 Mitchell-Brannon's driveway.

3 11. The Plaintiff also told the officers that he recorded the entire incident and the video  
4 would prove that his vehicle did not drive into Ms. Mitchell-Brannon's driveway nor did  
5 he put her under surveillance.

6 12. Later in the week, the Plaintiff submitted a copy of the video recording to evidence desk  
7 of the Seattle Police Department.

8 13. Officer Brad Wellborn, who received the video from the Plaintiff, submitted the video  
9 into evidence and marked it with the case number related to the incident.

10 14. Officer Brad Wellborn verbally told Sergeant Angela Gordon, the supervising officer on  
11 the day of the incident, that the video of the incident was submitted into evidence.

12 15. Officer Scott Enright, the investigating officer, acknowledged receipt of the video into  
13 evidence in his follow-up police report.

14 16. Officer Scott Enright concluded in his report that the Plaintiff violated the civil protective  
15 order by "entering the driveway of" Ms. Mitchell-Brannon's home.

16 17. Officer Scott Enright wrote in his report "RESOLUTION: Referred to Law Department  
17 for Misdemeanor charges."

18 18. The Seattle Police Department did not send the video recording to the prosecuting  
19 attorney's office.

20 19. On April 19, 2013, criminal misdemeanor charges were filed against the Plaintiff for  
21 violating the civil protective order.

22 20. The Plaintiff incurred thousands in attorney fees to hire a criminal defense attorney.

23 21. At trial, the video of the incident was shown to the jury by the Plaintiff's defense  
24 attorney, which proved the Plaintiff did not drive into Ms. Mitchell-Brannon's driveway.

22. None of the officers named in this complaint admit that they watched the video of the incident before the charges were brought against the Plaintiff or before the trial.

23. The video of the incident also contradicted the allegations and conclusions in the above named officers' police reports.

24. Thus, but for the Defendants' failure to send the video to the prosecuting attorney's office, criminal charges would not be brought against the Plaintiff.

25. At the time of the drafting of this complaint, the Seattle Police Department has not produced the video of the incident to the prosecuting attorney's office.

26. After a jury trial, the Plaintiff was found not guilty.

27. The Plaintiff is an African American male who is gay.

**V.  
CAUSE OF ACTION**

**RESPONDEAT SUPERIOR**

28. Plaintiff realleges the previous paragraphs as though fully set forth herein.

29. Since Defendant Officers were agents of the Defendant City of Seattle, acting within the scope of their employment during the incident giving rise to this complaint, the City is vicariously liable for the tortious acts of its officers.

**VIOLATION OF 42 U.S.C. § 1983**

30. Plaintiff realleges the previous paragraphs as though fully set forth herein.

31. Defendant Officers' conduct violated Plaintiff's civil rights contrary to 42 U.S.C. § 1983.

32. As a result of defendant officers' violation of 42 U.S.C. § 1983, Plaintiff suffered injury, emotional distress, humiliation, embarrassment, diminished respect in the eyes of his peers and incurred attorney fees to defend against false charges the Defendants took steps to initiate without probable cause.

33. The Defendants are liable under 42 U.S.C. § 1983 for the tortuous conduct inflicted upon the Plaintiff.

MALICIOUS PROSECUTION

34. Plaintiff realleges the previous paragraphs as though fully set forth herein.

35. The collective actions of the Defendants resulted in the initiation of criminal proceedings against the Plaintiff notwithstanding video evidence in their possession which proved a complete lack of probable cause to initiate such criminal proceedings.

36. The criminal proceedings were initiated by the Defendants for an improper purpose and in an unreasonable and biased manner.

37. The criminal proceedings were terminated in favor of the Plaintiff after a jury found him not guilty of the charges.

38. The actions of the Defendants constituted malicious prosecution.

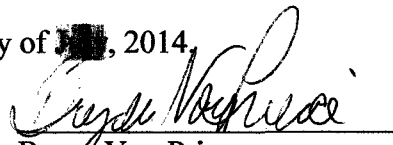
39. As a result of the Defendants' tortious conduct, the Plaintiff suffered damages.

**VI.  
PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests the court enter a judgment against each Defendant, jointly and severally, as follows:

- A. For special damages in such amount as proven at the time of trial;
- B. For general damages in such amount as proven at the time of trial;
- C. For attorney fees and costs as authorized by statute including but not limited to attorney fees authorized by 42 U.S.C. § 1983; and
- D. For such other and further relief as the court deems just and equitable.

DATED this 11th day of July, 2014.

  
Bryan Von Priece  
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Seattle, Washington 98144  
206-579-7772